

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLIFFORD RUSH,)	4:12CV3094
)	
Petitioner,)	MEMORANDUM
)	AND ORDER ON APPLICATION
v.)	TO PROCEED IN DISTRICT
)	COURT WITHOUT PREPAYING
MICHAEL THURBER, Director,)	FEES OR COSTS
)	
Respondent.)	

Petitioner, Clifford Rush (“Rush”), has filed a Petition Under [28 U.S.C. § 2254](#) for Writ of Habeas Corpus by a Person in State Custody (filing no. [1](#)), an Application to Proceed in District Court Without Prepaying Fees or Costs (filing no. [2](#)), and a copy of his institutional trust account statement (filing no. [3](#)).

Habeas corpus cases attacking the legality of a person’s confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering Rush’s financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and Rush is relieved from paying the fee at this time.

IT IS THEREFORE ORDERED that: the Application to Proceed in District Court Without Prepaying Fees or Costs (filing no. [2](#)) is provisionally granted and Rush will not be required to pay the \$5.00 fee at this time.

Dated May 23, 2012.

BY THE COURT



Warren K. Urbom
United States Senior District Judge